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10/763,718

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EXAMINER

KIM, SANG K

ART UNIT

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3654

MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/763,718 | Applicant(s) WILMOTH ET AL. | |
| | Examiner SANG KIM | Art Unit 3654 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-20 is/are allowed.
- 6) ☒ Claim(s) 1-7, 11 and 12 is/are rejected.
- 7) ☒ Claim(s) 8-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Claim Objections

Claims 2-3 and 5-6 are objected to because of the following informalities:

In claim 2, lines 1-2, "a drive shaft" should be --the drive shaft--.

In claim 3, line 2, "a hand crank" should be --the hand crank--.

In claim 6, line 20, "the electric motor" should be --an electric motor--.

Appropriate corrections are required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez, U.S. Patent No. 4659029, in view of Lai, U.S. Patent No. 6182917 B1.

Regarding claims 1 and 3-7, Rodriguez '029 teaches a system for cutting a traveling web from a first spool and onto a second spool by feeding a turn-up tape (24) along a transfer track (28) beneath the paper web (20) and to a position adjacent to the nip (52); and a drive assembly (43, i.e., a hand crank) capable of driving the turn-up tape along the transfer track toward the nip, wherein the drive is capable of being powered by manual power or motor power, see figure 1, and on column 8, lines 59-61.

Rodriguez '029 does not explicitly state that the drive is capable of being powered by both manual power and motor power.

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Lai discloses the concept of switch the drive into a motor powered drive option 21 and a manual drive option 30 such that a user may switch between motor power and manual power as necessary, see, see figures 4A and 5A, and column 2, lines 17-59.

Examiner is taking an official notice that a clutch in general is well known in power transmission and as explained in the applicant's remarks on 9/18/06, on page 1, the last paragraph, "such clutches are widely used throughout the machine industry, and one of ordinary skill in the art would understand how a set of directional clutches works." On page 2, the last paragraph, "applicant has taken known directional clutches and used them in a system." It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Rodriguez to make the drive capable of being powered by either manual or motor so that the user may switch between motor power and manual power as necessary as taught by Lai '917, and to use well known clutches to separately connect or disconnect the drive from the motor or hand crank since only one needs to be used at any one time, in case one of the drive systems fails.

Regarding claim 2, as advanced above, Rodriguez '029 teaches the drive assembly with a drive shaft (108) coupled to a drive wheel (41), the drive assembly with an engaging wheel (55) engaging the turn-up tape between the drive wheel (41), see figure 2.

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Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez, U.S. Patent No. 4659029, in view of Lai, U.S. Patent No. 6182917 B1 as applied to claim 1 above, and further in view of Rodriguez, U.S. Patent No. 6305634 B1.

Regarding claims 11-12, as advanced above, Rodriguez '634 shows an air supply system which controls the air pressure, see figure 5.

Rodriguez '029 and '634 disclose the claimed invention except for an automation mode with a computer for the system. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus by adding a computer into an automation process since computers are well known and used throughout the industry.

Allowable Subject Matter

Claims 1, 4 and 6 have been amended

Claims 13-20 are allowed as indicated from the Previous Office Action.

Claims 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments, see page 1, filed on 4/26/07, with respect to claims 1, 4 and 6 have been fully considered and are persuasive with clarification that drive is not

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powered by both motor power and manual power at the same time or simultaneously.

The rejection of 112 1st Paragraph has been withdrawn.

Applicant's arguments, see page 1, filed 4/26/07, with respect to the rejection(s) of claim(s) 1, 4 and 6 under 112 1st Paragraph have been fully considered and are persuasive. Therefore, the rejection has been withdrawn with clarification that drive is not powered by both motor power and manual power at the same time or simultaneously. However, upon further consideration, a new ground(s) of rejection is made in view of Rodriguez, U.S. Patent No. 4659029, in view of Lai, U.S. Patent No. 6182917 B1, and further in view of Rodriguez, U.S. Patent No. 6305634 B1.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 571-272-6947. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford, can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK

5/30/07



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SUPERVISORY PATENT EXAMINER